Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 06/22/11	Bureau/Station/Facility: Internal Affairs Bureau	Admin. Invest.? [x] Hit? [x]

Incident Information

URN: 911-09538-2199-057	Date: 06/22/11 Time: 0430
City or Station: Los Angeles	Nature of Incident: Deputy Shirley shot the suspect after believing he was going to be assaulted with the suspect's vehicle or shot with a gun.
Location: [redacted] Mateo Street, Los Angeles, CA 90021	

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [x] Street
- Other: ____

Lighting (*check only one*):
- [x] Darkness
- [ ] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 2 feet

Incident Type (*check one or more*):
- [ ] Accidental
- [ ] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [x] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [x] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other: ____

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [x] Other
- [ ] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
8	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only
SH # ____

Officer Involved Shooting

JRN: 911-09538-2199-057

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/22/11	0730	05/31/14	12/05/12

Employee #	Last Name	First Name	M.I.
[redacted]	Parker	Brenda	
[redacted]	Bly	David	
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OV					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AR
E#1	S#1	FH	BR	9	Y	Y	OD	HE

Officer Involved Shooting
Involved Employee Information

URN: 911-09538-2199-057

Involved Employee

E 1

Employee #: [redacted]	Last Name: Shirley	First Name: Steven	M.I.: W.
Sex: M Race: White	Rank: Deputy	Unit Assignment: Communications/Fleet	Work Assignment (Unit #, Module, etc.): ASAP
ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☑ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☑ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors: Deputy Shirley was off duty in his personal vehicle.
Age: [redacted] Height: 507 Weight: 170			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 8		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

See Other Side

Officer Involved Shooting
Suspect Information

URN: 911-09538-2199-057

Suspect Information

S 1

Last Name: Sultan		First Name: Hesham	M.I. M.
AKA Last Name		First Name	M.I.
Sex: M Race: O	Street Address: [redacted]	City [redacted]	State & Zip Code:
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: D.O.B. 11/13//67	Height: 601 Weight: 220	FBI # [redacted]	CII # [redacted]
Booking # 2783931	Primary Charge: 245 (A) (1) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Ford		Model: Crown Victoria	Year: 2006

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
06/22/11	1	Communications and Fleet Management Bureau	IV2327720

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/050.30 Off Duty Incidents, 3-01/050.10 Performance to Standards

DATE, TIME, DAY OF OCCURRENCE: 06/22/11, 0430, Wednesday
RELATED URN FILE No. IF APPLICABLE: 911-09538-2199-057

LOCATION OF OCCURRENCE: [redacted] Mateo Street, Los Angeles, CA 90021

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ______ ☒ OTHER SOURCES (SPECIFY) Deputy Involved Shooting

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	Shirley	Steven	W.	Deputy	[redacted]

UNIT OF ASSIGNMENT: Communications and Fleet Management Bureau
DATE ASSIGNED: 07/06/08
DIVISION OR REGION: Administrative and Support Service

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	White	Brown	Brown	506	170	[redacted]	[redacted]

DATE OF HIRE: 11/30/88
DATE APPOINTED TO RANK: [redacted]
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE 04/22/14 TIME 1034

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, **W** - WITNESS
ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☒ NO

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
C No. 1 OF 1	Sultan	Hesham	M.	Male	O	11/13/67

RESIDENCE ADDRESS: [redacted]
RES. PHONE (AREA CODE): [redacted]
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: [redacted]
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): ( ) N/A
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ______ TIME ______

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
No. OF						

RESIDENCE ADDRESS | RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT | CDL OR LASD EMPLOYEE NO. | BUS. PHONE (AREA CODE) ( )
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ______ TIME ______

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Brenda Parker	Sergeant	[redacted]	LT VALENCIA	6/5/14
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED 05/30/14	

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

UNIT: Communications and Fleet Management Bureau, ASAP
DATE: June 22, 2011
TIME: 0430
LOCATION: [redacted] Mateo Street, Los Angeles, CA 90021
URN#: 911-09538-2199-057
IAB#: SH2290740/ IV2327720

NATURE OF INCIDENT:

Deputy Shirley was off duty, driving in his personal vehicle, an Acura Integra, south on the Interstate 5 Freeway in the Silverlake area of Los Angeles. His attention was drawn to the suspect vehicle, that was traveling south, behind him. The suspect vehicle passed him at a high rate of speed, straddling the #1 and #2 lanes of traffic. The suspect vehicle forced Deputy Shirley to swerve toward the center divider in order to avoid a collision.

Deputy Shirley saw that the vehicle appeared to be a law enforcement type, unmarked vehicle. He followed the suspect vehicle while contacting the Compton Station Desk to have them run the license plate number to see if the vehicle belonged to a police agency, or if it was privately owned. The vehicle returned as being privately owned and he saw the suspect continue to drive erratically.

> **IAB Note:** See Exhibit "B," photographs of suspect vehicle and Deputy Shirley's vehicle.

Deputy Shirley contacted the California Highway Patrol via cell phone (911) to report a possible reckless, driving under the influence vehicle. He continued to follow the suspect. The suspect traveled several miles, still driving erratically and then exited the Interstate 10 Freeway at Mateo Street in Los Angeles.

Deputy Shirley also exited on Mateo Street. When he turned south on Mateo Street he was confronted by the suspect driving north in the southbound lanes, directly at his vehicle. The suspect swerved at the last minute and positioned his vehicle so that the driver's window was adjacent to the driver's window of Deputy Shirley's vehicle. Due to Suspect Sultan's previous actions of driving erratically and attempting to assault him with his vehicle, Deputy Shirley feared the suspect was retrieving a firearm. Deputy Shirley fired eight rounds at the suspect, through his own closed driver's side vehicle window.

The suspect drove away at a high rate of speed as Deputy Shirley followed. The suspect was eventually located by officers from the Los Angeles Police Department. They

conducted a traffic stop and took the suspect into custody at 41st Street and Alameda Avenue.

Suspect Sultan sustained a gunshot wound to his left shoulder and bullet fragments in his chin and left eye. He was transported Los Angeles County Medical Center where he was treated and released. He was not booked on any open charges, pending further investigation.

No suspect weapon was recovered. However, eight expended 9mm shell casings and four bullet fragments were recovered at the scene.

INVOLVED PERSONNEL:

Shirley, Steven – Deputy #[redacted]
Communications and Fleet Management Bureau, ASAP,
12440 East Imperial Highway, Norwalk, 90650
Homeland Security Division

Date of Employment: 11/30/88
Date Assigned to TSD/ASAP: 07/06/08
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:

Sultan, Hesham
[redacted]

Sex:	Male
Race:	O
Date of Birth:	11/13/67
Height:	601
Weight:	220
Booking #	2783931
Charge:	245(a) (1) PC
Injury:	Suspect Sultan sustained a gunshot wound in his right arm and bullet fragments in his chin and left eye.

The Consolidated Criminal History System reveals that Suspect Sultan has [redacted].

SWORN WITNESS:

None

CIVILIAN WITNESSES:

See Exhibit "A," pages 29, 30, 31

INVOLVED EMPLOYEE STATEMENTS:

Deputy Steven Shirley, #[redacted]

Deputy Shirley was interviewed on April 22, 2014, at 1034 hours by Internal Affairs Bureau Sergeants Brenda Parker and Victor Allen. The interview was audio recorded. He was interviewed by Homicide Investigators Detective Phil Guzman and Detective Kathy Gallagher on June 22, 2011. The interview was audio recorded.

Deputy Shirley said that on the morning of June 22, 2011, he left his house, went to a local gas station to get a cup of coffee and started driving southbound on the 5 Freeway. As he was driving, he looked in his rearview mirror and saw what he recognized to be Crown Victoria headlights in the number three and four lanes a little ways behind him. When he looked up again, he saw the headlights "barreling" down on him, and it appeared that the car was going to slam into him. He swerved and almost hit the K rail to avoid being struck by vehicle. The driver of the Crown Victoria (suspect vehicle) drove past his car, at a high rate of speed and into the number one lane. Deputy Shirley said he moved onto the shoulder of the freeway and could hear the debris "kicking up" after the suspect vehicle passed him. He said if he would not have swerved, the suspect vehicle would have slammed into the back of his vehicle.

Deputy Shirley said when the suspect vehicle passed him, his initial thoughts were the driver of the vehicle must be a detective on his way to work who was looking down, texting or talking on the phone. He thought that maybe the detective was speeding and not paying attention when he (suspect) swerved in front of him. After the vehicle passed by, Deputy Shirley got back into the number one lane and accelerated to catch up to the suspect vehicle. He said because the vehicle had slowed down he was able to catch up and pull alongside of it. He was able to see that the suspect vehicle was a black Crown Victoria, with push bars, spotlights, and dark tinted windows. He said he thought the driver of the vehicle was a police officer, and he was waiting for the driver to give him some kind of signal, such as to show him some red lights or some type of acknowledgement that he was a police officer. Deputy Shirley said he was expecting an apology for being run off the freeway. He said he drove next to the vehicle for approximately two seconds, and the vehicle accelerated and sped away, down the freeway.

Deputy Shirley said after the vehicle sped away, something did not seem right about the driver taking off in that manner. He got the vehicles license plate number and called the Compton Station Watch Deputy. He said he asked the watch deputy to run the vehicle's plate to see if the vehicle belonged to a citizen or to a police department.

> **IAB Note:** See Exhibit "C," CD containing Deputy Shirley's call to the Compton station Watch deputy.

When asked if it makes a difference in his mind if the driver of the vehicle was a citizen or police officer Deputy Shirley said maybe. He stated, "If it was a police officer, I'm thinking he would have been going to work and was late or was talking on the phone, or texting or something like that, and that would have accounted for strictly the bad driving. But if it was a citizen, it would be drunk driving, fleeing the scene or something to that effect."

> **IAB Note:** For more details on Deputy Shirley's thoughts about the driver of the vehicle, see pages 11 and 12 of Deputy Shirley's IAB Transcript.

Deputy Shirley said when he found out that a citizen was driving the vehicle he called 911. He said he told CHP that the vehicle had run him off the road and he believed a drunk driver was driving the vehicle.

> **IAB Note:** When asked if his actions would have been the same if he found out the vehicle was a police car, Deputy Shirley replied "No." He said he would not have thought that a police officer would be drunk or running people off the road.

Deputy Shirley said as he spoke with CHP on the phone, he kept a large distance between his vehicle and the suspect vehicle. He said it was his decision to keep following the suspect vehicle after reporting it to the CHP because the suspect had run him off the road and he was afraid that the suspect might hit somebody else and cause a serious accident. Deputy Shirley said he stayed behind the vehicle and updated the CHP regarding the suspect's speed, vehicle description, and actions while driving.

> **IAB Note:** See Exhibit "D," CD containing Deputy Shirley's initial 911call.

Deputy Shirley said when they arrived at the Main Street exit of the 5 Freeway, the suspect vehicle pulled to the right on the off ramp, drove down midway, and abruptly stopped. Deputy Shirley said he was about ten to twelve car lengths behind the suspect vehicle. He stopped on the freeway and pulled to the shoulder of the road. The suspect got out of his vehicle with clenched fists, holding his arms out to his sides, and started walking back towards him. Deputy Shirley said he does not recall if anything was in the suspect's hands. Deputy Shirley said he did not want to get close to the suspect because he did not know what his frame of mind was. Deputy Shirley put his car in reverse and backed up on the shoulder of the freeway about five car lengths. Deputy

Shirley said he did not want to get involved in any confrontation. He said the suspect made an angry gesture like he was frustrated that he (Deputy Shirley) was backing up. Deputy Shirley said he did not drive away because he wanted to keep the suspect in eyesight until the police arrived to stop him and determine if anything was going on.

The suspect returned to his vehicle. He drove across the gore point of the freeway off ramp, and back onto the Interstate 5 Freeway. Deputy Shirley said he continued to follow the suspect at a distance of approximately 50 to 60 yards, letting CHP know what the suspect was doing. He said the suspect had driven over to the number one and two lanes, moving back and forth. Deputy Shirley remained in the number three lane. The suspect took the 10 Freeway west, and exited at the Mateo Street off ramp. He said when the suspect got to the bottom of the off ramp, he did not hit his brakes; he "blew" through the stop sign and made a left turn on Mateo Street. Deputy Shirley said he continued to follow the suspect off of the off ramp.

Deputy Shirley said as he drove down the off ramp, the suspect was out of his eyesight. He said he slowly came down to the bottom of the off ramp leaning forward looking for the suspect vehicle. Although it was dark, he was able to see that the suspect had already passed underneath the freeway overpass, on the other side of the 10 Freeway. Deputy Shirley said he made a left turn to proceed southbound on Mateo to follow the suspect vehicle. Deputy Shirley had not yet driven under the freeway overpass when he saw the suspect make a U-turn and start driving northbound in the southbound lane. Deputy Shirley stopped his vehicle, and the suspect vehicle drove straight toward him in his lane. Believing the suspect was getting ready to assault him with the suspect vehicle, Deputy Shirley put his vehicle in reverse and backed up approximately twenty yards. He slowed down fearing that he would hit a parked vehicle, but his car continued to roll slowly backward. At the last second, the suspect vehicle veered to the left of him. The suspect's driver's side door and Deputy Shirley's driver's side door were inches apart. The suspect began to roll his window down. Deputy Shirley said he could see the suspect's breast line and up, but does not remember seeing his face.

Deputy Shirley said as the suspect vehicle's driver's side window was going down, he could see the silhouette of the suspect. He thought the suspect had a gun. He said he went from believing the suspect was going to assault him with his vehicle to believing the suspect was going to shoot him. Deputy Shirley said the culmination of the suspect driving recklessly, getting out of the car to confront him on the freeway, and approaching his vehicle in a reckless manner led him to believe the suspect had a gun and was going to shoot him.

Deputy Shirley said he pointed his weapon and shot the suspect in fear that the suspect was going to shoot him. He said he did not want to get shot because he turned away, so he fired his gun through his closed driver's side window from approximately two feet away from the suspect. He said he fired five to seven rounds as his vehicle rolled past the suspect vehicle. He said his car was rolling, but he watched his target. His shooting back drop was a concrete wall and he did not see any cars or people in his back drop.

Deputy Shirley said after the shooting, the suspect vehicle kept driving northbound on Mateo Street.

Deputy Shirley said he picked up his phone and told CHP that he had been involved in a shooting. He said he did a tactical reload, put his gun on safe, then made a U-turn and started following the suspect again.

> **IAB Note:** See Exhibit "E," CD containing audio of Deputy Shirley involved in the shooting, and his conversation with 911 operator as he follows the suspect.

Deputy Shirley said he followed the suspect because he had been involved in a shooting and he needed to keep the suspect in sight so he could keep CHP apprised of the suspect's location. Deputy Shirley was not sure if the suspect had shot at him or not. He said physically and mentally he felt like he was able to follow the suspect until CHP arrived and felt the need to follow the suspect because he had been involved in a shooting. Deputy Shirley followed the suspect until he was apprehended by LAPD.

SUSPECT STATEMENT

Suspect Sultan was interviewed by Homicide Investigators Phil Guzman and Kathy Gallagher on June 22, 2011 at 1338 hours. The interview was audio recorded.

Suspect Sultan said he left his house in [redacted] at 4:05 a.m. on the morning of June 22, 2011. He was on his way to work at [redacted], in the city of [redacted]. He said he was driving southbound on the 5 Freeway, and was a little bit late for work. He was driving in the fast lane (Number one) and came up on "the slow car." He said he drove in the number two lane and proceeded around the car and continued driving in the number one lane. He stated that the person in the car he passed (Deputy Shirley's vehicle) started flashing the high beams at him. He figured that the person was upset because he (Sultan) passed the car.

> **IAB Note:** Refer to Suspect Sultan's Homicide transcript, page 14

Suspect Sultan said he paid the person in the car no mind and kept going. He could see the headlights of the vehicle he had just passed getting further and further behind him. He continued to drive. When he got somewhere between 2 and 110 Freeways in Glendale, Suspect Sultan saw the car that he had passed coming up from behind really fast. He said there were not that many cars on the freeway at that time of the morning. He said the car "came right up on him," so he sped away to get try to get away from the car. The car sped up as well and continued to follow him.

Suspect Sultan said he pulled over on the Freeway shoulder near the first exit of the 10 Freeway. He said he stopped on the shoulder in the middle of the lane and got out of his car. He said he waved his hands at the other vehicle to find out what was going on. He

could not see who was in the vehicle because the car's lights were in his face. Suspect Sultan said he got back in his car and sped away. He tried to swerve in between a couple of other cars in order to lose the vehicle that was following him, but the driver kept right up with him.

Suspect Sultan said he stayed in the number four lane because his exit was coming up. He exited the 10 Freeway on Mateo Street. He said he stopped at the stop sign at the bottom of the ramp and made a left turn. When he looked in his rear view mirror, he saw that the vehicle was getting off of the freeway on Mateo Street also, and turning southbound in the same direction that he was going. Suspect Sultan said he drove down to Enterprise Street and made a U-turn so he could get next to the car and ask the driver of the vehicle to leave him alone and ask "What the hell is going on." After Suspect Sultan made the U -turn, he was traveling southbound and the other car was traveling northbound. He said he drove his car to the left of the Acura to tell the driver to leave him the hell alone.

> **IAB Note:** See Exhibit "G," CD containing video footage of Suspect Sultan and Deputy Shirley exiting the freeway.

He said the person in the Acura did not give him a chance to roll his window down or ask him anything because he just started shooting. Suspect Sultan said he heard four shots, and by the time reality kicked in, he "took off" northbound on Mateo Street.

Suspect Sultan said as he drove northbound on Mateo Street, he called 911. He told the operator he had been shot. He looked in his rearview mirror and saw that the Acura had turned around and was coming behind him again. He said he was disoriented because his eye was bleeding, and he did not know where he was. He drove around for several minutes trying to get away from the Acura, who was pursuing him as he talked to the 911 operator.

> **IAB Note:** See Exhibit "G," CD of Suspect Sultan speaking with the 911 operator after being shot by Deputy Shirley.

While Suspect Sultan was talking to the 911 operator, he learned that the person who was pursuing him in the Acura was a deputy sheriff. He questioned why the deputy had shot him. Suspect Sultan was taken into custody by LADP and transported the Los Angeles County Medical Center by paramedics, where he was treated for his injuries.

SUSPECT INJURIES:

Suspect Sultan sustained a gunshot wound in his right arm, a bullet fragment in his chin and shrapnel in his left eye, creating three small holes on the iris.

See Exhibit "H," Medical records regarding Suspect Sultan's eye

Suspect Sultan filed a Civil Law Suit against the Los Angeles County Sheriff's Department. See Exhibit "I," six CDs containing Discovery and Depositions, Suspect Sultan's Medical and Employment Records, and Photographs of Suspect Sultan's eye injury.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

Refer to Exhibit "A," pages 26, 27, 36, 37

INVESTIGATORS OBSERVATIONS:

IAB Investigators observed the listed evidence and the scene of the shooting. The scene where Deputy Shirley terminated following the suspect, and where the suspect was arrested by LAPD was also observed.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Shirley used a Beretta, 92F Compact, Semiautomatic Pistol

WEAPONS USED BY SUBJECT:

Ford, Crown Victoria, Police Interceptor, 4 door, Black, CA Lic. #[redacted]

PROPERTY DAMAGE:

Damage to Suspect Sultan's vehicle, See Exhibit "A," pages 44, 45

CHARGES FILED AND DISPOSITIONS:

Investigators presented the facts of this case to Deputy District Attorney Michael Blake for consideration of filing assault and reckless driving charges against Hesham Sultan. DDA Blake rejected filing charges and cited that there was not sufficient evidence to prove that Hesham Sultan committed the violations.

WEATHER AND LIGHTING CONDITIONS:

Dark and cool